

Remarks/Arguments

Claims 1-12 and 15-19 are subject to a restriction and/or election requirement by the Examiner. The Examiner writes that restriction is required as between two inventions:

- I. Claims 1 – 12, drawn to a light filter, classified in class 348, subclass 270.
- II. Claims 15 - 19, drawn to a scanning device for scanning of an object, classified in class 358, subclass 474. (Office Action at P. 2)

The Examiner states that Inventions I and II are distinct, each from the other. The applicant elects Invention II, claims 15-19 with traverse.

The Examiner states that Group I is drawn to light filters and that Group II is drawn to a scanning device. (Office Action at P. 2) Applicants respectfully assert that Groups I and II are drawn to a process and an apparatus for its practice, and that “a process and apparatus for its practice can be shown to be distinct inventions if either or both of the following can be shown: “(1) that the process *as claimed* can be practiced by another materially different apparatus or by hand; or (2) that the apparatus *as claimed* can be used to practice another materially different process.” Kelifix Lts. V. Vlok-Lok Lts., 208 F.3d 1339, 1348 (Fed. Cir. 2000); MPEP 806.05(e). The burden is on the Examiner to provide reasonable examples that recite material differences for either (A) or (B) or both. (MPEP 806.05(e)) The applicants respectfully assert that the Examiner has not done so and that Groups I and II are not patentably distinct under 806.05(e) (and 806.05(c)). For the reasons stated above, the applicants respectfully request withdrawal of the restriction requirement.

Additionally, the Examiner states that

“Group 1 is drawn to merely light filters and does not require a scanning device whereas Group 2 is drawn to a scanning device for scanning a document using transmitting and blocking light. Therefore, Group 1 has utility in other combinations, e.g. a digital camera.”

The applicants are unsure why Groups I and II would not both have utility in both digital camera and scanning system applications, as claimed. Both Groups I and II are directed to improving spatial resolution without increasing system cost, pixel count or reducing pixel size. The applicants have recognized in Groups I and II that specific areas of each pixel may correspond to specific areas on an imaged

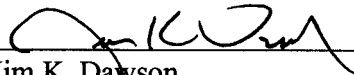
object, and that the ability of a processor to distinguish between points on the imaged object is increased by sequentially actuating the filters over each pixel in a plurality of scans which may combine into a single image (in one embodiment).

For the reasons stated above, the applicants respectfully request withdrawal of the restriction requirement.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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